

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008. The following  
8 Acts are repealed on January 1, 2008:

9 The Acupuncture Practice Act.

10 The Clinical Social Work and Social Work Practice Act.

11 ~~The Home Medical Equipment and Services Provider License~~  
12 ~~Act.~~

13 The Nursing and Advanced Practice Nursing Act.

14 The Illinois Petroleum Education and Marketing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and Disciplinary  
19 Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (Source: P.A. 94-754, eff. 5-10-06.)

2 (5 ILCS 80/4.28 new)

3 Sec. 4.28. Act repealed on January 1, 2018. The following  
4 Act is repealed on January 1, 2018:

5 The Home Medical Equipment and Services Provider License  
6 Act.

7 Section 10. The Home Medical Equipment and Services  
8 Provider License Act is amended by changing Sections 10, 20,  
9 25, 65, 75, 80, 85, 90, 95, 110, 115, 120, 125, 130, 135, and  
10 145 as follows:

11 (225 ILCS 51/10)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 10. Definitions. As used in this Act:

14 (1) "Department" means the Department of Financial and  
15 Professional Regulation.

16 (2) "Secretary" ~~"Director"~~ means the Secretary  
17 ~~Director~~ of Financial and Professional Regulation.

18 (3) "Board" means the Home Medical Equipment and  
19 Services Board.

20 (4) "Home medical equipment and services provider" or  
21 "provider" means a legal entity, as defined by State law,  
22 engaged in the business of providing home medical equipment  
23 and services, whether directly or through a contractual

1 arrangement, to an unrelated sick or disabled individual  
2 where that individual resides.

3 (5) "Home medical equipment and services" means the  
4 delivery, installation, maintenance, replacement, or  
5 instruction in the use of medical equipment used by a sick  
6 or disabled individual to allow the individual to be  
7 maintained in his or her residence.

8 (6) "Home medical equipment" means technologically  
9 sophisticated medical devices, apparatuses, machines, or  
10 other similar articles bearing a label that states  
11 "Caution: federal law requires dispensing by or on the  
12 order of a physician.", which are usable in a home care  
13 setting, including but not limited to:

14 (A) oxygen and oxygen delivery systems;

15 (B) ventilators;

16 (C) respiratory disease management devices,  
17 excluding compressor driven nebulizers;

18 (D) wheelchair seating systems;

19 (E) apnea monitors;

20 (F) transcutaneous electrical nerve stimulator  
21 (TENS) units;

22 (G) low air-loss cutaneous pressure management  
23 devices;

24 (H) sequential compression devices;

25 (I) neonatal home phototherapy devices;

26 (J) enteral feeding pumps; and

1 (K) other similar equipment as defined by the  
2 Board.

3 "Home medical equipment" also includes hospital beds and  
4 electronic and computer-driven wheelchairs, excluding  
5 scooters.

6 (7) "Address of record" means the designated address  
7 recorded by the Department in the applicant's or licensee's  
8 application file or license file maintained by the  
9 Department's licensure maintenance unit. It is the duty of  
10 the applicant or licensee to inform the Department of any  
11 change of address and such changes must be made either  
12 through the Department's website or by contacting the  
13 Department's licensure maintenance unit.

14 (Source: P.A. 90-532, eff. 11-14-97.)

15 (225 ILCS 51/20)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 20. Powers and duties of the Department.

18 (a) The Department shall exercise the powers and duties  
19 prescribed by the Civil Administrative Code of Illinois for the  
20 administration of licensure Acts and shall exercise other  
21 powers and duties necessary for effectuating the purposes of  
22 this Act.

23 (b) The Department may adopt rules to administer and  
24 enforce this Act, including but not limited to fees for  
25 original licensure and renewal and restoration of licenses, and

1 may prescribe forms to be issued to implement this Act. At a  
2 minimum, the rules adopted by the Department shall include  
3 standards and criteria for licensure and for professional  
4 conduct and discipline. The Department shall consult with the  
5 Board in adopting rules. Notice of proposed rulemaking shall be  
6 transmitted to the Board, and the Department shall review the  
7 Board's response and any recommendations made in the response.  
8 The Department shall notify the Board in writing with proper  
9 explanation of deviations from the Board's recommendations and  
10 response.

11 (c) The Department may at any time seek the advice and  
12 expert knowledge of the Board on any matter relating to the  
13 administration of this Act.

14 (d) (Blank). ~~The Department shall issue a quarterly report~~  
15 ~~to the Board of the status of all complaints related to the~~  
16 ~~profession and filed with the Department.~~

17 (Source: P.A. 90-532, eff. 11-14-97.)

18 (225 ILCS 51/25)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 25. Home Medical Equipment and Services Board. The  
21 Secretary ~~Director~~ shall appoint a Home Medical Equipment and  
22 Services Board, in consultation with a state association  
23 representing the home medical equipment and services industry,  
24 to serve in an advisory capacity to the Secretary ~~Director~~. The  
25 Board shall consist of 7 members. Four members shall be home

1 medical equipment and services provider representatives, ~~2 of~~  
2 ~~whom represent businesses grossing less than \$500,000 per year~~  
3 ~~in revenues, 2 of whom represent businesses grossing \$500,000~~  
4 ~~or more per year in revenues, and~~ at least one of whom shall  
5 ~~also~~ be a pharmacy-based provider. The 3 remaining members  
6 shall include one home care clinical specialist, one  
7 respiratory care practitioner, and one public member ~~consumer~~  
8 ~~of home medical equipment and services.~~

9 Members shall serve 4 year terms and until their successors  
10 are appointed and qualified, ~~except that of the initial~~  
11 ~~appointments, the consumer member shall be appointed to serve~~  
12 ~~for one year, 2 members shall be appointed to serve for 2~~  
13 ~~years, 3 members shall be appointed to serve for 3 years, and~~  
14 ~~one member who is a home medical equipment and services~~  
15 ~~provider representative shall be appointed to serve for 4~~  
16 ~~years, and until their successors are appointed and qualified.~~

17 No member shall be reappointed to the Board for a term that  
18 would cause continuous service on the Board to exceed 8 years.  
19 Appointments to fill vacancies shall be made in the same manner  
20 as original appointments, for the unexpired portion of the  
21 vacated term.

22 The home medical equipment and services provider  
23 representatives appointed to the Board shall have engaged in  
24 the provision of home medical equipment and services or related  
25 home care services for at least 3 years prior to their  
26 appointment, shall be currently engaged in providing home

1 medical equipment and services in the State of Illinois, and  
2 must have no record of convictions related to fraud or abuse  
3 under either State or federal law.

4 The membership of the Board should reasonably reflect  
5 representation from the geographic areas in this State.

6 The Board shall annually elect one of its members as  
7 chairperson and vice chairperson.

8 Members of the Board shall receive as compensation a  
9 reasonable sum as determined by the Secretary ~~Director~~ for each  
10 day actually engaged in the duties of the office, and shall be  
11 reimbursed for authorized expenses incurred in performing the  
12 duties of the office.

13 The Secretary ~~Director~~ may terminate the appointment of any  
14 member for cause which in the opinion of the Secretary ~~Director~~  
15 reasonably justifies the termination.

16 ~~Through consultation with members of a state association~~  
17 ~~for the home medical equipment and services industry, the Board~~  
18 ~~may recommend to the Department rules that specify the medical~~  
19 ~~equipment to be included under this Act, that set standards for~~  
20 ~~the licensure, professional conduct, and discipline of~~  
21 ~~entities that provide home medical equipment and services, and~~  
22 ~~that govern the safety and quality of home medical equipment~~  
23 ~~and services. The Director shall consider the recommendations~~  
24 ~~of the Board.~~

25 Members of the Board shall be immune from suit in an action  
26 based upon any disciplinary proceedings or other activities

1 performed in good faith as members of the Board.

2 A majority of Board members currently appointed shall  
3 constitute a quorum. A vacancy in the membership of the Board  
4 shall not impair the rights of a quorum to exercise the rights  
5 and perform all of the duties of the Board.

6 (Source: P.A. 90-532, eff. 11-14-97.)

7 (225 ILCS 51/65)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 65. Fees; returned checks. An entity who delivers a  
10 check or other payment to the Department that is returned to  
11 the Department unpaid by the financial institution upon which  
12 it is drawn shall pay to the Department, in addition to the  
13 amount already owed to the Department, a fine of \$50. The fines  
14 imposed by this Section are in addition to any other discipline  
15 provided under this Act for unlicensed practice or practice on  
16 a nonrenewed license. The Department shall notify the entity  
17 that fees and fines shall be paid to the Department by  
18 certified check or money order within 30 calendar days of the  
19 notification. If, after the expiration of 30 days from the date  
20 of the notification, the entity has failed to submit the  
21 necessary remittance, the Department shall automatically  
22 terminate the license or deny the application without a  
23 hearing. If the entity seeks a license after termination or  
24 denial, the entity shall apply to the Department for  
25 restoration or issuance of the license and pay all fees and

1 fines owed to the Department. The Department may establish a  
2 fee for the processing of an application for restoration of a  
3 license to pay all expenses of processing that application. The  
4 Secretary ~~Director~~ may waive the fines due under this Section  
5 in individual cases where the Secretary ~~Director~~ finds that the  
6 fines would be unreasonable or unnecessarily burdensome.

7 (Source: P.A. 92-146, eff. 1-1-02.)

8 (225 ILCS 51/75)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 75. Refused issuance, suspension, or revocation of  
11 license. The Department may refuse to issue, renew, or restore  
12 a license, or may revoke, suspend, place on probation,  
13 reprimand, impose a fine not to exceed \$10,000 ~~\$1,000~~ for each  
14 violation, or take other disciplinary or non-disciplinary  
15 action as the Department may deem proper with regard to a  
16 licensee for any one or combination of the following reasons:

17 (1) Making a material misstatement in furnishing  
18 information to the Department.

19 (2) Violation ~~Negligent or intentional disregard~~ of  
20 this Act or its rules.

21 (3) Conviction of or entry of a plea of guilty or nolo  
22 contendere to any ~~a~~ crime that is a felony under the laws  
23 of the United States or any state or territory thereof ~~that~~  
24 ~~is a felony~~ or a misdemeanor, an essential element of which  
25 is dishonesty, ~~or conviction of a crime~~ that is directly

1 related to the practice of the profession ~~provision of home~~  
2 ~~medical equipment and services.~~

3 (4) Making a misrepresentation to obtain licensure or  
4 to violate a provision of this Act.

5 (5) Gross negligence in practice under this Act.

6 (6) Engaging in a pattern of practice or other behavior  
7 that demonstrates incapacity or incompetence to practice  
8 under this Act.

9 (7) Aiding, assisting, or willingly permitting another  
10 person in violating any provision of this Act or its rules.

11 (8) Failing, within 30 ~~60~~ days, to provide information  
12 in response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public.

16 (10) Discipline by another state, District of  
17 Columbia, territory, or foreign nation, if at least one of  
18 the grounds for the discipline is the same or substantially  
19 equivalent to one set forth in this Act.

20 (11) Directly or indirectly giving to or receiving from  
21 any person, firm, corporation, partnership, or association  
22 any fee, commission, rebate, or other form of compensation  
23 for any services not actually or personally rendered.

24 (12) A finding that the licensee, after having its  
25 license placed on probationary status, has violated the  
26 terms of probation.

1           (13) Willfully making or filing false records or  
2 reports in the course of providing home medical equipment  
3 and services, including but not limited to false records or  
4 reports filed with State agencies or departments.

5           (14) Solicitation of business services, other than  
6 according to permitted advertising.

7           (15) The use of any words, abbreviations, figures, or  
8 letters with the intention of indicating practice as a home  
9 medical equipment and services provider without a license  
10 issued under this Act.

11           (16) Failure to file a return, or to pay the tax,  
12 penalty, or interest shown in a filed return, or to pay any  
13 final assessment of tax, penalty, or interest, as required  
14 by any tax Act administered by the Department of Revenue,  
15 until such time as the requirements of any such tax Act are  
16 satisfied.

17           (17) Failure to comply with federal or State laws and  
18 regulations concerning home medical equipment and services  
19 providers.

20           (18) Solicitation of professional services using false  
21 or misleading advertising.

22           (19) Failure to display a license in accordance with  
23 Section 45.

24           (20) Habitual or excessive use or addiction to alcohol,  
25 narcotics, stimulants, or any other chemical agent or drug  
26 that results in the inability to practice with reasonable

1           judgment, skill, or safety.

2           (21) Physical illness, mental illness, or disability,  
3           including without limitation deterioration through the  
4           aging process and loss of motor skill, that results in the  
5           inability to practice the profession with reasonable  
6           judgment, skill, or safety.

7           (Source: P.A. 90-532, eff. 11-14-97.)

8           (225 ILCS 51/80)

9           (Section scheduled to be repealed on January 1, 2008)

10          Sec. 80. Cease and desist order.

11          (a) If any entity violates a provision of this Act, the  
12          Secretary ~~Director~~ may, in the name of the People of the State  
13          of Illinois, through the Attorney General of the State of  
14          Illinois, petition for an order enjoining the violation or for  
15          an order enforcing compliance with this Act. Upon the filing of  
16          a verified petition in court, the court may issue a temporary  
17          restraining order, without notice or bond, and may  
18          preliminarily and permanently enjoin the violation, and if it  
19          is established that the entity has violated or is violating the  
20          injunction, the court may punish the offender for contempt of  
21          court. Proceedings under this Section shall be in addition to,  
22          and not in lieu of, all other remedies and penalties provided  
23          by this Act.

24          (b) If an entity holds itself out as a provider of home  
25          medical equipment and services without a license issued under

1 this Act, an interested party or any person injured thereby, in  
2 addition to the Secretary ~~Director~~, may petition for relief as  
3 provided in subsection (a) of this Section.

4 (c) Whenever in the opinion of the Department an entity  
5 violates a provision of this Act, the Department may issue a  
6 rule to show cause why an order to cease and desist should not  
7 be entered against the entity. The rule shall clearly set forth  
8 the grounds relied upon by the Department and shall provide a  
9 period of 7 days from the date of the rule to file an answer to  
10 the satisfaction of the Department. Failure to answer to the  
11 satisfaction of the Department shall cause an order to cease  
12 and desist to be issued immediately.

13 (Source: P.A. 90-532, eff. 11-14-97.)

14 (225 ILCS 51/85)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 85. Unlicensed practice; civil penalty.

17 (a) An entity who practices, offers to practice, attempts  
18 to practice, or holds itself out to practice as a home medical  
19 equipment and services provider without being licensed under  
20 this Act shall, in addition to any other penalty provided by  
21 law, pay a civil penalty to the Department in an amount not to  
22 exceed \$10,000 ~~\$5,000~~ for each offense as determined by the  
23 Department. The civil penalty shall be assessed by the  
24 Department after a hearing is held in accordance with the  
25 provisions set forth in this Act regarding the provision of a

1 hearing for the discipline of a licensee. The civil penalty  
2 shall be paid within 60 days after the effective date of the  
3 order imposing the civil penalty. The order shall constitute a  
4 judgment and may be filed and executed in the same manner as  
5 any judgment from any court of record.

6 (b) The Department may investigate any unlicensed  
7 activity.

8 (Source: P.A. 90-532, eff. 11-14-97.)

9 (225 ILCS 51/90)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 90. Inspections ~~Mandatory inspections~~. The Department  
12 may ~~shall~~ inspect a licensee for compliance with the  
13 requirements of this Act and ~~within 3 years after the date of~~  
14 ~~initial licensure and at least once every 3 years thereafter,~~  
15 ~~unless the licensee can demonstrate proof of renewal of~~  
16 ~~accreditation with a recognized national accrediting body. The~~  
17 ~~Department shall~~ conduct random inspections upon renewal of a  
18 license, for cause or as necessary to assure the integrity and  
19 effectiveness of the licensing process. ~~Upon failure to pass~~  
20 ~~inspection, a provider's license shall be suspended or denied~~  
21 ~~as applicable, pending review by the Board. The Department may~~  
22 ~~authorize qualified individuals to conduct inspections. The~~  
23 ~~Department shall set by rule, and pay to an inspector, a fee~~  
24 ~~for each inspection. An entity that fails to pass an inspection~~  
25 ~~is subject to penalties under Section 80. Upon notice of~~

~~1 failure to pass an inspection, a provider shall have 30 days to  
2 appeal the inspection results. On appeal, a provider shall have  
3 the right to an inspection review or to a new inspection in  
4 accordance with procedures adopted by the Department. A home  
5 medical equipment and services provider licensed within 2 years  
6 after the effective date of this Act is exempt from the  
7 inspection requirements of this Section during that 2 year  
8 period.~~

9 (Source: P.A. 90-532, eff. 11-14-97.)

10 (225 ILCS 51/95)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 95. Investigations; notice and hearing.

13 (a) The Department may investigate the actions of an  
14 applicant or of an entity holding or claiming to hold a  
15 license.

16 (b) The Department shall, before refusing to issue or renew  
17 a license or disciplining a licensee, at least 30 days prior to  
18 the date set for the hearing, notify in writing the applicant  
19 or licensee of the nature of the charges and that a hearing  
20 will be held on the date designated. The Department shall  
21 direct the applicant or licensee to file a written answer to  
22 the Board under oath within 20 days after the service of the  
23 notice and inform the applicant or licensee that failure to  
24 file an answer will result in default being taken against the  
25 applicant or licensee and that the license may be suspended,

1     revoked, placed on probationary status, or other disciplinary  
2     action may be taken, including limiting the scope, nature, or  
3     extent of business, as the Secretary ~~Director~~ may deem proper.  
4     Written notice may be served by personal delivery or certified  
5     or registered mail to the applicant or licensee ~~respondent~~ at  
6     his or her ~~the~~ address of record ~~the entity's last notification~~  
7     ~~to the Department~~. If the entity fails to file an answer after  
8     receiving notice, the entity's license may, in the discretion  
9     of the Department, be suspended, revoked, or placed on  
10    probationary status, or the Department may take whatever  
11    disciplinary action it deems proper, including limiting the  
12    scope, nature, or extent of the entity's business, or imposing  
13    a fine, without a hearing, if the act or acts charged  
14    constitute sufficient grounds for such action under this Act.  
15    At the time and place fixed in the notice, the Board shall  
16    proceed to hear the charges, and the parties or their counsel  
17    shall be accorded ample opportunity to present such statements,  
18    testimony, evidence, and argument as may be pertinent to the  
19    charges or to their defense. The Board may continue a hearing  
20    from time to time.

21    (Source: P.A. 90-532, eff. 11-14-97.)

22           (225 ILCS 51/110)

23           (Section scheduled to be repealed on January 1, 2008)

24           Sec. 110. Findings and recommendations. At the conclusion  
25    of the hearing the Board shall present to the Secretary

1 ~~Director~~ a written report of its findings and recommendations.  
2 The report shall contain a finding of whether or not the  
3 accused entity violated this Act or failed to comply with the  
4 conditions required in this Act. The Board shall specify the  
5 nature of the violation or failure to comply, and shall make  
6 its recommendations to the Secretary ~~Director~~.

7 The report of findings and recommendations of the Board may  
8 ~~shall~~ be the basis for the Department's order of refusal or for  
9 the granting of licensure unless the Secretary ~~Director~~ shall  
10 determine that the Board's report is contrary to the manifest  
11 weight of the evidence, in which case the Secretary ~~Director~~  
12 may issue an order in contravention of the Board's report. The  
13 finding is not admissible in evidence against the entity in a  
14 criminal prosecution brought for the violation of this Act, but  
15 the hearing and finding are not a bar to a criminal prosecution  
16 brought for the violation of this Act.

17 (Source: P.A. 90-532, eff. 11-14-97.)

18 (225 ILCS 51/115)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 115. Rehearing on motion. In a case involving the  
21 refusal to issue or renew a license or the discipline of a  
22 licensee, a copy of the Board's report shall be served upon the  
23 respondent by the Department, either personally or as provided  
24 in this Act for the service of the notice of hearing. Within 20  
25 days after such service, the respondent may present to the

1 Department a motion in writing for a rehearing, which shall  
2 specify the particular grounds for the rehearing. If no motion  
3 for rehearing is filed, then upon the expiration of the time  
4 specified for filing the motion, or if a motion for rehearing  
5 is denied, then upon such denial the Secretary ~~Director~~ may  
6 enter an order in accordance with recommendations of the Board  
7 except as provided in Section 120 of this Act. ~~If the~~  
8 ~~respondent shall order from the reporting service and pay for a~~  
9 ~~transcript of the record with the time for filing a motion for~~  
10 ~~rehearing, the 20 day period within which such a motion may be~~  
11 ~~filed shall commence upon the delivery of the transcript to the~~  
12 ~~respondent.~~

13 (Source: P.A. 90-532, eff. 11-14-97.)

14 (225 ILCS 51/120)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 120. Rehearing on order of Secretary ~~Director~~.  
17 Whenever the Secretary ~~Director~~ is satisfied that substantial  
18 justice has not been done in the revocation or suspension of a  
19 license or refusal to issue or renew a license, the Secretary  
20 ~~Director~~ may order a rehearing by the same or another Board.

21 (Source: P.A. 90-532, eff. 11-14-97.)

22 (225 ILCS 51/125)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 125. Hearing officer. The Secretary ~~Director~~ has the

1 authority to appoint an attorney duly licensed to practice law  
2 in the State of Illinois to serve as the hearing officer in an  
3 action for refusal to issue or renew a license, or for the  
4 discipline of a licensee. The Secretary ~~Director~~ shall notify  
5 the Board of an appointment. The hearing officer shall have  
6 full authority to conduct the hearing. The hearing officer  
7 shall report his or her findings and recommendations to the  
8 Board and the Secretary ~~Director~~. The Board shall have 60 days  
9 from receipt of the report to review the report of the hearing  
10 officer and present its findings of fact, conclusions of law  
11 and recommendation to the Secretary ~~Director~~. If the Board  
12 fails to present its report within the 60 day period, the  
13 respondent may request in writing a direct appeal to the  
14 Secretary, in which case the Secretary shall, within 7 calendar  
15 days after the request, issue an order directing the Board to  
16 issue its findings of fact, conclusions of law, and  
17 recommendations to the Secretary within 30 calendar days after  
18 such order. If the Board fails to issue its findings of fact,  
19 conclusions of law, and recommendations within that time frame  
20 to the Secretary after the entry of such order, the Secretary  
21 shall, within 30 calendar days thereafter, issue an order based  
22 upon the report of the hearing officer and the record of the  
23 proceedings or issue an order remanding the matter back to the  
24 hearing officer for additional proceedings in accordance with  
25 the order. If (i) a direct appeal is requested, (ii) the Board  
26 fails to issue its findings of fact, conclusions of law, and

1 recommendations within the 30-day mandate from the Secretary or  
2 the Secretary fails to order the Board to do so, and (iii) the  
3 Secretary fails to issue an order within 30 calendar days  
4 thereafter, then the hearing officer's report is deemed  
5 accepted and a final decision of the Secretary. Notwithstanding  
6 any other provision of this Section, if the Secretary, upon  
7 review, determines that substantial justice has not been done  
8 in the revocation, suspension, or refusal to issue or renew a  
9 license or other disciplinary action taken as the result of the  
10 entry of the hearing officer's report, the Secretary may order  
11 a rehearing by the same or other examiners ~~the Director shall~~  
12 ~~issue an order based on the report of the hearing officer.~~ If  
13 the Secretary ~~Director~~ determines that the Board's report is  
14 contrary to the manifest weight of the evidence, he or she may  
15 issue an order in contravention of the Board's report.

16 (Source: P.A. 90-532, eff. 11-14-97.)

17 (225 ILCS 51/130)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 130. Order or certified copy. An order or a certified  
20 copy of an order, over the seal of the Department and  
21 purporting to be signed by the Secretary ~~Director~~, shall be  
22 prima facie proof that:

23 (1) the signature is the genuine signature of the  
24 Secretary ~~Director~~;

25 (2) the Secretary ~~Director~~ is duly appointed and

1 qualified; and

2 (3) the Board and its members are qualified to act.

3 This proof may be rebutted.

4 (Source: P.A. 90-532, eff. 11-14-97.)

5 (225 ILCS 51/135)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 135. Restoration of license. At any time after the  
8 suspension or revocation of a license, the Department may  
9 restore the license to the accused entity upon the written  
10 recommendation of the Board unless, after an investigation and  
11 a hearing, the Board determines that restoration is not in the  
12 public interest. Restoration under this Section requires the  
13 filing of all applications and payment of all fees required by  
14 the Department.

15 (Source: P.A. 90-532, eff. 11-14-97.)

16 (225 ILCS 51/145)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 145. Temporary suspension of a license. The Secretary  
19 ~~Director~~ may temporarily suspend the license of a home medical  
20 equipment and services provider without a hearing,  
21 simultaneously with the institution of proceedings for a  
22 hearing provided for in Section 95 of this Act, if the  
23 Secretary ~~Director~~ finds that evidence in his or her possession  
24 indicates that the home medical equipment and services

1 provider's continuation in business would constitute an  
2 imminent danger to the public. If the Secretary ~~Director~~  
3 temporarily suspends the license of a home medical equipment  
4 and services provider without a hearing, a hearing by the Board  
5 must be held within 30 days of the suspension.

6 (Source: P.A. 90-532, eff. 11-14-97.)

7 (225 ILCS 51/40 rep.)

8 (225 ILCS 51/175 rep.)

9 Section 15. The Home Medical Equipment and Services  
10 Provider License Act is amended by repealing Sections 40 and  
11 175.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.